

2007 DRAFTING REQUEST**Assembly Substitute Amendment (ASA-AB262)**Received: **06/04/2007**Received By: **tkuczens**Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - IND 266-2680**By/Representing: **Pam Shannon**This file may be shown to any legislator: **NO**Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**Extra Copies: **RLR, GMM**Submit via email: **YES**Requester's email: **pam.shannon@legis.wisconsin.gov**Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Defibrillator instruction

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	tkuczens 06/06/2007 gmalaise 06/06/2007	kfollett 06/07/2007		_____			
/1			pgreensl 06/07/2007	_____	sbasford 06/07/2007	sbasford 06/07/2007	

FE Sent For:

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/P1	tkuczens	11/15/07 6/7	6/7 P8	6/7 P8/PN			

FE Sent For:

<END>

Per Pam Shannon, Leg. Council

~~4/4~~ June 4, 2007
re: LRB 0639/2 (AB262)

- incorporate changes in LRB 0502 (Rafter amendment) into Schmitt amendment to AB 262
- eliminate Section 26 of the LRB, which requires the Dentistry examining board to promulgate rules re: automated external defibrillator requirement.
- * replace section 26 with amendment to ch. 447 requiring applicants for licensure and renewal of licensure to practice dentistry and dental hygiene to provide evidence that the applicant has completed instruction in the use of an AED.

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Wednesday, June 06, 2007 3:26 PM
To: Williams, Vincent
Cc: Shannon, Pam
Subject: RE: AB 262 Sub

Hi Vince -

I spoke with Pam Shannon again this morning about this draft and, specifically, about retaining -- and, where appropriate, adding -- language in the sub requiring persons subject to the AED requirements to demonstrate "current proficiency" in the use of an AED. The other drafters on the bill, Gordon Malaise and Robin Ryan, are making changes to include this language in their portions of the bill and it should be in editing this afternoon and to the Representative at some point tomorrow.

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Williams, Vincent
Sent: Tuesday, June 05, 2007 12:58 PM
To: Kuczenski, Tracy
Subject: RE: AB 262 Sub

Tomorrow is fine... as long as we have it to send to committee members before the weekend.

From: Kuczenski, Tracy
Sent: Tuesday, June 05, 2007 12:53 PM
To: Williams, Vincent
Subject: RE: AB 262 Sub

Yes, I'm working on that right now. It should be in editing today; when would the Rep., ideally, like to see the Sub?

Tracy K. Kuczenski
Legislative Attorney
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(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Williams, Vincent
Sent: Tuesday, June 05, 2007 12:52 PM
To: Kuczenski, Tracy
Subject: AB 262 Sub

I sent the stripes back to you for LRB a0502/1, the Albers request for AB 262, and Pam Shannon talked to you about the other change for the Dentist.

Rep. Ballweg would like to have a sub drafted.

Wanted Thurs

2007 - 2008 LEGISLATURE

LRB00098/1

LRB-0639/2

RLR/GMM/TKK:kjf:nwn

TKK/GMM/RLR

Assembly Substitute Amendment,
TO 2007 ASSEMBLY BILL 262

insert

RMNR
D-N

April 13, 2007 - Introduced by Representatives BALLWEG, WASSERMAN, BENEDICT, BERCEAU, CULLEN, GUNDERSON, HAHN, HINES, HIXSON, NEWCOMER, OWENS, PETERSEN, SINICKI, TOWNSEND, YOUNG, VAN AKKEREN, VAN ROY and VRUWINK, cosponsored by Senators VINEHOUT, ROESSLER, BRESKE, COWLES, ERPENBACH, HANSEN and OLSEN. Referred to Committee on Homeland Security and State Preparedness.

Rayen

1 AN ACT *to renumber* 49.45 (3) (m) and 440.01 (1) (a); *to renumber and amend*
2 48.67, 440.983 (2) and 446.02 (2) (b); *to amend* 100.178 (2) (a) and (b), 100.178
3 (5) (a) and (b), 446.02 (1) (b), 446.02 (3g) (b), 446.02 (3r), 448.953 (2) (intro.),
4 448.953 (2) (b), 448.953 (3) (a), 448.953 (4) (a) and 460.05 (3) (intro.); and *to*
5 *create* 46.03 (38), 48.67 (3), 48.67 (4), 48.67 (5), 48.67 (6), 49.45 (3) (m) 2., 50.36
6 (5), 146.50 (9m), 254.47 (6), 440.01 (1) (ad), 440.01 (1) (ag), 440.01 (1) (i), 440.982
7 (1m) (d), 440.983 (2) (b), 446.02 (2) (b) 3., 447.02 (2) (f), 448.9525 (1) (e), 448.953
8 (1) (i), 448.955 (2) (d), 460.04 (2) (e) and 460.05 (1) (i) of the statutes; **relating**
9 **to:** requirements *have current proficiency in the* ~~to successfully complete training on~~ use of an automated
10 external defibrillator, extending the time limit for emergency rule procedures,
11 providing an exemption from emergency rule procedures, and requiring the
12 exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current statutes and administrative rules, the following persons are required to successfully complete instruction in cardiopulmonary resuscitation:

ASSEMBLY BILL 262

emergency medical technicians; first responders; instructors of emergency medical technicians or first responders; hospital medical and nursing personnel who provide emergency services; day care center, group home, and shelter care facility staff who provide care for children; chiropractors; dental hygienists; dentists; licensed midwives; lifeguards; health services staff at camps; fitness center employees; athletic trainers; specialized motor vehicle drivers and attendants; and massage therapists and bodyworkers. Beginning May 1, 2007, licensed midwives ~~will be~~ ^{were} required to be ~~currently~~ ^{currently} certified in cardiopulmonary resuscitation.

This ~~bill~~ ^{instruction in} requires these persons to ~~successfully complete a course in~~ the use of automated external defibrillators. The ~~bill~~ ^{instruction in} requires chiropractors, dental hygienists, dentists, licensed midwives, athletic trainers, and massage therapists and bodyworkers to ~~demonstrate current proficiency~~ in the use of an automated external defibrillator in order to obtain licensure or certification and, with the exception of massage therapists and bodyworkers, the renewal of a license or certificate. This ~~bill~~ ^{instruction in} also requires the Department of Health and Family Services (DHFS) to approve individuals, organizations, and institutions of higher education to provide the ~~course~~ ^{current proficiency}.

Current administrative rules require a residential care center for children and youth operated by a child welfare agency to have in each building housing residents of the residential care center for children and youth when those residents are present at least one staff member who has successfully completed instruction in cardiopulmonary resuscitation and require a shelter care facility to have readily available on the premises of the shelter care facility a staff member or other person who has successfully completed such instruction. This ~~bill~~ ^{instruction in} requires DHFS to promulgate administrative rules requiring a residential care center for children and youth to have in each building housing residents when residents are present at least one staff member who has ~~successfully completed a course~~ in the use of automated external defibrillators and requiring shelter care facilities to have readily available on the premises a staff member or other person who has ~~successfully completed such a course~~ ^{that proficiency}.

For further information see the ~~state and local~~ ^{instruction} fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 46.03 (38) of the statutes is created to read:

46.03 (38) AUTOMATIC EXTERNAL DEFIBRILLATOR INSTRUCTION. Approve

individuals, organizations, or institutions of higher education to ~~teach courses on~~ ^{provide instruction in the} use

of an automated external defibrillator, as defined in s. 146.50 (1) (cr), for persons who

ASSEMBLY BILL 262

have current proficiency in the

1 are required as a condition of licensure, certification, or registration to ~~successfully~~
2 ~~complete a course on~~ *instruction in the* use of an automatic external defibrillator.

3 SECTION 2. 48.67 of the statutes is renumbered 48.67 (intro.) and amended to
4 read:

5 **48.67 Rules governing child welfare agencies, day care centers, foster**
6 **homes, treatment foster homes, group homes, shelter care facilities, and**
7 **county departments.** (intro.) The department shall promulgate rules establishing
8 minimum requirements for the issuance of licenses to, and establishing standards
9 for the operation of, child welfare agencies, day care centers, foster homes, treatment
10 foster homes, group homes, shelter care facilities, and county departments. Those
11 rules shall be designed to protect and promote the health, safety, and welfare of the
12 children in the care of all licensees. The department shall consult with the
13 department of commerce, the department of public instruction, and the child abuse
14 and neglect prevention board before promulgating those rules. In establishing the
15 ~~minimum requirements for the issuance of licenses to day care centers, the~~
16 ~~department~~ Those rules shall include ~~a requirement that~~ rules that require all of the
17 following:

18 (1) That all day care center licensees ~~who are individuals,~~ and all employees
19 and volunteers of a licensee day care center, who provide care and supervision for
20 children under one year of age receive, before the date on which the license is issued
21 or the employment or volunteer work commences, whichever is applicable, training
22 in the most current medically accepted methods of preventing sudden infant death
23 syndrome, ~~if the licensee, employee, or volunteer provides care and supervision for~~
24 ~~children under one year of age, and the,~~

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SECTION 2

1 (2) That all day care center licensees, and all employees and volunteers of a day
2 care center, who provide care and supervision for children under 5 years of age
3 receive, before the date on which the license is issued or the employment or volunteer
4 work commences, whichever is applicable, the training relating to shaken baby
5 syndrome and impacted babies required under s. 253.15 (4), if the licensee, employee,
6 or volunteer provides care and supervision for children under 5 years of age.

7 SECTION 3. 48.67 (3) of the statutes is created to read:

8 (a) 48.67 (3) That all day care center licensees, and all employees of a day care
9 center, who provide care and supervision for children ~~successfully complete, within~~
10 ~~6 months after the date on which the license is issued or the employment commences,~~

11 ~~whichever is applicable, a course on~~ *instruction in* the use of an automated external defibrillator,
12 as defined in s. 146.50 (1) (cr), ~~that is~~ *achieved through instruction* provided by an individual, organization, or

13 institution of higher education that is approved under s. 46.03 (38) to ~~teach such a~~ *provide such*

14 ~~course~~ *instruction* (b) *have current proficiency in*

15 SECTION 4. 48.67 (4) of the statutes is created to read:

16 48.67 (4) That all staff members of a group home who provide care for the
17 residents of the group home ~~successfully complete, within 6 months after the date~~

18 ~~on which the employment commences, a course on~~ *instruction in* the use of an automated external
19 defibrillator, as defined in s. 146.50 (1) (cr), ~~that is~~ *achieved through instruction* provided by an individual,

20 organization, or institution of higher education that is approved under s. 46.03 (38)

21 to ~~teach such a course~~ *provide such instruction* *have current proficiency in*

22 SECTION 5. 48.67 (5) of the statutes is created to read:

23 (c) 48.67 (5) That all staff members of a shelter care facility who provide care and
24 supervision for children ~~successfully complete, before the date on which the~~

25 ~~employment commences, a course on~~ *instruction in* the use of an automated external defibrillator,

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1 as defined in s. 146.50 (1) (cr), ~~that is~~ ^{achieved through instruction} provided by an individual, organization, or
2 institution of higher education that is approved under s. 46.03 (38) to ~~teach such a~~ ^{provide such}
3 ~~course~~ ^{instruction} and that all shelter care facilities have readily available on the premises of
4 the shelter care facility a staff member or other person who has ~~successfully~~
5 ~~completed such a course~~ ^{achieved that proficiency}.

6 ~~SECTION 6. 48.67 (6) of the statutes is created to read:~~ ^{current proficiency in}

7 ~~48.67 (6)~~ ^(d) That all child welfare agencies that operate a residential care center
8 for children and youth have in each building housing residents of the residential care
9 center for children and youth when those residents are present at least one staff
10 member who has ~~successfully completed a course on~~ ^{achieved through instruction} the use of an automated
11 external defibrillator, as defined in s. 146.50 (1) (cr), ~~that is~~ provided by an
12 individual, organization, or institution of higher education that is approved under
13 s. 46.03 (38) to ~~teach such a course~~ ^{provide such instruction}.

14 SECTION 7. 49.45 (3) (m) of the statutes is renumbered 49.45 (3) (m) 1.

15 SECTION 8. 49.45 (3) (m) 2. of the statutes is created to read:

16 49.45 (3) (m) 2. A person who is certified to provide transportation by
17 specialized medical vehicle under sub. (2) (a) 11. shall ensure that every person who
18 drives or serves as an attendant to passengers on a specialized medical vehicle ~~shall~~ ^{has current proficiency in}
19 before driving or serving as an attendant, ~~successfully complete a course on~~ ^{achieved through instruction} the use
20 of an automated external defibrillator, as defined in s. 146.50 (1) (cr), ~~that is~~ provided
21 by an individual, organization, or institution of higher education that is approved
22 under s. 46.03 (38) to ~~teach such a course~~ ^{provide such instruction}.

23 SECTION 9. 50.36 (5) of the statutes is created to read:

24 50.36 (5) Before providing emergency services in a hospital, medical and
25 nursing personnel shall ~~successfully complete a course on~~ ^{have proficiency in} the use of an automated

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SECTION 9

external defibrillator, as defined in s. 146.50 (1) (cr), that is provided by an individual, organization, or institution of higher education that is approved under s. 46.03 (38) to teach such a course *provide such instruction*

SECTION 10. 100.178 (2) (a) and (b) of the statutes are amended to read:

100.178 (2) (a) At all times during which the fitness center is open and its facilities and services are available for use, have at least one employee present on the premises of the fitness center at least one employee who has satisfactorily completed a course or courses in basic first aid and basic cardiopulmonary resuscitation taught by an individual, organization, or institution of higher education approved by the department and at least one employee who has successfully completed a course on use of an automated external defibrillator that is provided by an individual, organization, or institution of higher education that is approved under s. 46.03 (38) to teach the course *provide such instruction*

(b) Ensure that each of its employees, within 90 days after hire, satisfactorily completes at least one course in basic first aid and basic cardiopulmonary resuscitation taught by an individual, organization, or institution of higher education approved by the department and at least one course on use of an automated external defibrillator that is provided by an individual, organization, or institution of higher education that is approved under s. 46.03 (38) to teach the course *provide such instruction*

SECTION 11. 100.178 (5) (a) and (b) of the statutes are amended to read:

100.178 (5) (a) The minimum standards for the qualifications and training of an individual, including an individual associated with an organization or institution of higher education, who teaches basic first aid or basic cardiopulmonary

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1 ~~resuscitation or use of an automated external defibrillator~~ to fitness center
2 employees under sub. (2).

3 (b) The minimum hours of instruction and general content of the basic first aid
4 and basic cardiopulmonary resuscitation ~~or automatic external defibrillator~~ courses
5 taught to fitness center employees under sub. (2).

6 **SECTION 12.** 146.50 (9m) of the statutes is created to read:

7 146.50 (9m) DEFIBRILLATION TRAINING. The department shall promulgate rules
8 requiring emergency medical technicians, first responders, and individuals who
9 provide instruction to emergency medical technicians or first responders to
10 successfully complete training on the use of an automated external defibrillator. The
11 rules shall specify the content of the training, qualifications for providers of the
12 training, and the frequency with which emergency medical technicians, first
13 responders, and individuals who provide instruction to emergency medical
14 technicians or first responders must complete the training.

15 **SECTION 13.** 254.47 (6) of the statutes is created to read:

16 254.47 (6) Before serving as a lifeguard at a public swimming pool or a
17 recreational and educational camp or as an on-site health services staff member at
18 a recreational and educational camp, an individual shall ~~successfully complete a~~
19 ~~course on~~ the use of an automated external defibrillator, as defined in s. 146.50 (1)

20 (cr), ~~that is~~ provided by an individual, organization, or institution of higher
21 education that is approved under s. 46.03 (38) to ~~teach such a course~~

22 **SECTION 14.** 440.01 (1) (a) of the statutes is renumbered 440.01 (1) (aj).

23 **SECTION 15.** 440.01 (1) (ad) of the statutes is created to read:

24 440.01 (1) (ad) "Automated external defibrillator" means a defibrillator device
25 to which all of the following apply:

and the
instruction
in the
use of
an
automatic
external
defibrillator
provided
to

have proficiency
in

provide such
instruction

achieved through instruction

ASSEMBLY BILL 262

SECTION 15

1 1. It is approved for commercial distribution by the federal food and drug
2 administration.

3 2. It is capable of recognizing the presence or absence of ventricular fibrillation
4 or rapid ventricular tachycardia and of determining without intervention by the user
5 of the device whether defibrillation should be performed.

6 3. After having determined that defibrillation should be performed, it is
7 capable, either at the command of an operator or without intervention by an operator,
8 of delivering an electrical shock to an individual.

9 **SECTION 16.** 440.01 (1) (ag) of the statutes is created to read:

10 440.01 (1) (ag) "Defibrillation" means administering an electrical impulse to
11 an individual's heart in order to stop ventricular fibrillation or rapid ventricular
12 tachycardia.

13 **SECTION 17.** 440.01 (1) (i) of the statutes is created to read:

14 440.01 (1) (i) "Ventricular fibrillation" means a disturbance in the normal
15 rhythm of the heart that is characterized by rapid, irregular, and ineffective
16 twitching of the ventricles of the heart.

17 **SECTION 18.** 440.982 (1m) (d) of the statutes is created to read:

18 440.982 (1m) (d) The person submits evidence satisfactory to the department
19 that the person has current proficiency in the use of an automated external
20 defibrillator achieved ~~in a course~~ ^{through instruction} provided by an individual, organization, or
21 institution of higher education approved under s. 46.03 (38) to provide such ~~a course~~ ^{instruction}.

22 **SECTION 19.** 440.983 (2) of the statutes, ~~as created by 2005 Wisconsin Act 292,~~
23 is renumbered 440.983 (2) (intro.) and amended to read:

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1 440.983 (2) (intro.) A licensed midwife shall, at the time that he or she applies
2 for renewal of a license under sub. (1), submit proof satisfactory to the department
3 that he of all of the following:

4 (a) He or she holds a valid certified professional midwife credential from the
5 North American Registry of Midwives or a successor organization or a valid certified
6 nurse-midwife credential from the American College of Nurse Midwives or a
7 successor organization.

8 SECTION 20. 440.983 (2) (b) of the statutes is created to read:

9 440.983 (2) (b) He or she has current proficiency in the use of an automated
10 external defibrillator achieved through instruction in a course provided by an individual, organization,
11 or institution of higher education approved under s. 46.03 (38) to provide such a
12 course. instruction

13 SECTION 21. 446.02 (1) (b) of the statutes is amended to read:

14 446.02 (1) (b) Meets the requirements of continuing education for license
15 renewal as the examining board may require, which requirements shall include
16 current proficiency in the use of an automated external defibrillator achieved in a
17 course provided by an individual, organization, or institution of higher education
18 approved under s. 46.03 (38) to provide such a course. instruction During the time between
19 initial licensure and commencement of a full 2-year licensure period new licensees
20 shall not be required to meet continuing education requirements. Any person who
21 has not engaged in the practice of chiropractic for 2 years or more, while holding a
22 valid license under this chapter, and desiring to engage in such practice, shall be
23 required by the examining board to complete a continuing education course at a
24 school of chiropractic approved by the examining board or pass a practical
25 examination administered by the examining board or both.

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SECTION 22

1 **SECTION 22.** 446.02 (2) (b) of the statutes is renumbered 446.02 (2) (b) (intro.)
2 and amended to read:

3 446.02 (2) (b) (intro.) The examining board shall promulgate rules establishing
4 educational requirements for obtaining a license under par. (a). The rules shall
5 require that an application for the license that is received by the department after
6 June 30, 1998, be accompanied by satisfactory evidence that the applicant has
7 satisfies all of the following:

8 1. Has a bachelor's degree from a college or university accredited by an
9 accrediting body listed as nationally recognized by the secretary of the federal
10 department of education, ~~and has,~~

11 2. Has graduated from a college of chiropractic approved by the examining
12 board.

13 **SECTION 23.** 446.02 (2) (b) 3. of the statutes is created to read:

14 446.02 (2) (b) 3. Has current proficiency in the use of an automated external
15 defibrillator achieved in a course ^{through instruction} provided by an individual, organization, or
16 institution of higher education approved under s. 46.03 (38) to provide such a course ^{instruction}

17 **SECTION 24.** 446.02 (3g) (b) of the statutes is amended to read:

18 446.02 (3g) (b) The examining board shall promulgate rules establishing
19 additional requirements for obtaining a license under par. (a), including a
20 requirement that each person licensed under this subsection has current proficiency
21 in the use of an automated external defibrillator achieved ^{through instruction} in a course ^{instruction} provided by an
22 individual, organization, or institution of higher education approved under s. 46.03
23 (38) to provide such ^{instruction} a course

24 **SECTION 25.** 446.02 (3r) of the statutes is amended to read:

ASSEMBLY BILL 262

1 446.02 (3r) The examining board may promulgate rules providing for the
2 granting of a temporary permit to practice chiropractic to an individual who is
3 licensed to practice chiropractic in another state or territory of the United States or
4 in another country, and establishing requirements for practicing chiropractic under
5 a temporary permit. Any rules promulgated under this subsection shall require an
6 individual seeking a temporary permit under this subsection to submit evidence
7 satisfactory to the examining board that the individual has current proficiency in the
8 use of an automated external defibrillator achieved ^{through instruction} in a course provided by an
9 individual, organization, or institution of higher education approved under s. 46.03
10 (38) to provide such a course. ^{instruction}

11 SECTION 26. 447.02 (2) (f) of the statutes is created to read:

12 447.02 (2) (f) A requirement that each of the following individuals submit
13 evidence satisfactory to the examining board that the individual has current
14 proficiency in the use of an automated external defibrillator achieved in a course
15 provided by an individual, organization, or institution of higher education approved
16 under s. 46.03 (38) to provide such a course:

- 17 1. An applicant for licensure under s. 447.04.
18 2. An applicant for renewal of a license under s. 447.05.

19 SECTION 27. 448.9525 (1) (e) of the statutes is created to read:

20 448.9525 (1) (e) Promulgate rules requiring each applicant for a license under
21 this subchapter to submit evidence satisfactory to the affiliated credentialing board
22 that the applicant has current proficiency in the use of an automated external
23 defibrillator achieved ^{through instruction} in a course provided by an individual, organization, or
24 institution of higher education approved under s. 46.03 (38) to provide such ^{instruction} a course.

25 SECTION 28. 448.953 (1) (i) of the statutes is created to read:

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SECTION 28

1 448.953 (1) (i) Submits evidence satisfactory to the affiliated credentialing
2 board that he or she has current proficiency in the use of an automated external
3 defibrillator achieved ~~in a course~~ ^{through instruction} provided by an individual, organization, or
4 institution of higher education approved under s. 46.03 (38) to provide such ~~a course~~ ^{instruction}.

5 **SECTION 29.** 448.953 (2) (intro.) of the statutes is amended to read:

6 448.953 (2) (intro.) The affiliated credentialing board may waive the
7 requirements under sub. (1) (c) to ~~(h)~~ (i) for an applicant for a license under sub. (1)
8 who establishes to the satisfaction of the affiliated credentialing board all of the
9 following:

10 **SECTION 30.** 448.953 (2) (b) of the statutes is amended to read:

11 448.953 (2) (b) That the jurisdiction that issued the credential under par. (a)
12 has requirements for credentialing that are substantially equivalent to the
13 requirements under sub. (1) (c) to ~~(h)~~ (i).

14 **SECTION 31.** 448.953 (3) (a) of the statutes is amended to read:

15 448.953 (3) (a) The affiliated credentialing board shall issue a temporary
16 license to a person who satisfies the requirements under sub. (1) (a), and (c) to (g),
17 and (i) and who pays the fee specified in s. 440.05 (6). The temporary license is valid
18 for one year and may not be renewed.

19 **SECTION 32.** 448.953 (4) (a) of the statutes is amended to read:

20 448.953 (4) (a) The affiliated credentialing board shall issue a temporary
21 license to a person who satisfies the requirements under sub. (1) (a), (c) to (e), and
22 (g), and (i), pays the fee specified in s. 440.05 (6) and submits evidence satisfactory
23 to the affiliated credentialing board that he or she has engaged in athletic training
24 during each of the 12 consecutive months immediately preceding November 1, 2000.
25 The temporary license is valid for 2 years and shall be renewed once if a license holder

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1 submits evidence satisfactory to the affiliated credentialing board at the time of
2 renewal that he or she has made significant progress toward satisfying the
3 requirement under sub. (1) (f).

4 **SECTION 33.** 448.955 (2) (d) of the statutes is created to read:

5 448.955 (2) (d) Current proficiency in the use of an automated external
6 defibrillator achieved in a course ^{through instruction} provided by an individual, organization, or
7 institution of higher education approved under s. 46.03 (38) to provide such a course ^{instruction}

8 **SECTION 34.** 460.04 (2) (e) of the statutes is created to read:

9 460.04 (2) (e) A requirement that an applicant for a certificate under this
10 chapter submit evidence satisfactory to the department that the applicant has
11 current proficiency in the use of an automated external defibrillator achieved in a ^{through instruction}
12 course provided by an individual, organization, or institution of higher education
13 approved under s. 46.03 (38) to provide such a course ^{instruction}

14 **SECTION 35.** 460.05 (1) (i) of the statutes is created to read:

15 460.05 (1) (i) The person submits evidence satisfactory to the examining board
16 that he or she has current proficiency in the use of an automated external
17 defibrillator achieved in a course ^{through instruction} provided by an individual, organization, or
18 institution of higher education approved under s. 46.03 (38) to provide such a course ^{instruction}

19 **SECTION 36.** 460.05 (3) (intro.) of the statutes is amended to read:

20 460.05 (3) (intro.) The department shall grant a certificate as a massage
21 therapist or bodyworker to a person who satisfies the requirements specified in sub.
22 (1) (a) to (d), and (g), and (h) to (i) and who includes with the application specified in
23 sub. (1) (c) all of the following:

24 **SECTION 37. Nonstatutory provisions; Health and Family Services.**

25 (1) AUTOMATED EXTERNAL DEFIBRILLATOR TRAINING; RULES.

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SECTION 37

1 (a) The department of health and family services shall submit in proposed form
2 the rules required under sections 48.67 (3), 4, (5), and (6), 100.178 (5) (a) and (b),
3 and 146.50 (9m) of the statutes, as created by this act, to the legislative council staff
4 under section 227.15 (1) of the statutes no later than the first day of the 6th month
5 beginning after the effective date of this paragraph.

6 (b) Using the procedure under section 227.24 of the statutes, the department
7 of health and family services may promulgate as emergency rules the rules required
8 under sections 48.67 (3), 4, (5), and (6), 100.178 (5) (a) and (b), and 146.50 (9m) of
9 the statutes, as created by this act, for the period before the effective date of the rules
10 submitted under paragraph (a). Notwithstanding section 227.24 (1) (c) and (2) of the
11 statutes, emergency rules promulgated under this paragraph remain in effect until
12 the date on which the rules submitted under paragraph (a) take effect.
13 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of
14 health and family services is not required to provide evidence that promulgating a
15 rule under this paragraph as an emergency rule is necessary for the preservation of
16 the public peace, health, safety, or welfare and is not required to provide a finding
17 of emergency for a rule promulgated under this paragraph.

SECTION 38. Nonstatutory provisions; Regulation and Licensing.**(1) RULES; LICENSED MIDWIVES.**

19 (a) The department of regulation and licensing shall promulgate rules under
20 section 440.984 (1) of the statutes to implement sections 440.982 (1m) (d) and
21 440.983 (2) (b) of the statutes, as created by this act. No later than the first day of
22 the 6th month beginning after the effective date of this paragraph, the department
23 of regulation and licensing shall submit in proposed form the rules required under
24 this paragraph to the legislative council staff under section 227.15 (1) of the statutes.
25

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1 (b) Using the procedure under section 227.24 of the statutes, the department
2 of regulation and licensing may promulgate as emergency rules the rules required
3 to implement sections 440.982 (1m) (d) and 440.983 (2) (b) of the statutes, as created
4 by this act, for the period before the effective date of the rules submitted under
5 paragraph (a). Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
6 emergency rules promulgated under this paragraph remain in effect until the date
7 on which the rules submitted under paragraph (a) take effect. Notwithstanding
8 section 227.24 (1) (a) and (3) of the statutes, the department of regulation and
9 licensing is not required to provide evidence that promulgating a rule under this
10 paragraph as an emergency rule is necessary for the preservation of the public peace,
11 health, safety, or welfare and is not required to provide a finding of emergency for a
12 rule promulgated under this paragraph.

13 (2) RULES; MASSAGE THERAPISTS AND BODYWORKERS.

14 (a) The department of regulation and licensing shall submit in proposed form
15 the rules required under section 460.04 (2) (e) of the statutes, as created by this act,
16 to the legislative council staff under section 227.15 (1) of the statutes no later than
17 the first day of the 6th month beginning after the effective date of this paragraph.

18 (b) Using the procedure under section 227.24 of the statutes, the department
19 of regulation and licensing may promulgate as emergency rules the rules required
20 under section 460.04 (2) (e) of the statutes, as created by this act, for the period before
21 the effective date of the rules submitted under paragraph (a). Notwithstanding
22 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
23 paragraph remain in effect until the date on which the rules submitted under
24 paragraph (a) take effect. Notwithstanding section 227.24 (1) (a) and (3) of the
25 statutes, the department of regulation and licensing is not required to provide

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1 evidence that promulgating a rule under this paragraph as an emergency rule is
2 necessary for the preservation of the public peace, health, safety, or welfare and is
3 not required to provide a finding of emergency for a rule promulgated under this
4 paragraph.

5 (3) RULES; CHIROPRACTIC EXAMINING BOARD.

6 (a) The chiropractic examining board shall submit in proposed form the rules
7 required under sections 446.02 (2) (b), (3g) (b), and (3r) of the statutes, as affected
8 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
9 later than the first day of the 6th month beginning after the effective date of this
10 paragraph.

11 (b) Using the procedure under section 227.24 of the statutes, the chiropractic
12 examining board may promulgate as emergency rules the rules required under
13 sections 446.02 (2) (b), (3g) (b), and (3r) of the statutes, as affected by this act, for the
14 period before the effective date of the rules submitted under paragraph (a).
15 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
16 promulgated under this paragraph remain in effect until the date on which the rules
17 submitted under paragraph (a) take effect. Notwithstanding section 227.24 (1) (a)
18 and (3) of the statutes, the chiropractic examining board is not required to provide
19 evidence that promulgating a rule under this paragraph as an emergency rule is
20 necessary for the preservation of the public peace, health, safety, or welfare and is
21 not required to provide a finding of emergency for a rule promulgated under this
22 paragraph.

23 (4) RULES; DENTISTRY EXAMINING BOARD.

24 (a) The dentistry examining board shall submit in proposed form the rules
25 required under section 447.02 (2) (f) of the statutes, as created by this act, to the

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1 legislative council staff under section 227.15 (1) of the statutes no later than the first
2 day of the 6th month beginning after the effective date of this paragraph.

3 (b) Using the procedure under section 227.24 of the statutes, the dentistry
4 examining board may promulgate as emergency rules the rules required under
5 section 447.02 (2) (f) of the statutes, as created by this act, for the period before the
6 effective date of the rules submitted under paragraph (a). Notwithstanding section
7 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
8 paragraph remain in effect until the date on which the rules submitted under
9 paragraph (a) take effect. Notwithstanding section 227.24 (1) (a) and (3) of the
10 statutes, the dentistry examining board is not required to provide evidence that
11 promulgating a rule under this paragraph as an emergency rule is necessary for the
12 preservation of the public peace, health, safety, or welfare and is not required to
13 provide a finding of emergency for a rule promulgated under this paragraph.

14 **(5) RULES; ATHLETIC TRAINERS AFFILIATED CREDENTIALING BOARD.**

15 (a) The athletic trainers affiliated credentialing board shall submit in proposed
16 form the rules required under section 448.9525 (1) (e) of the statutes, as created by
17 this act, to the legislative council staff under section 227.15 (1) of the statutes no later
18 than the first day of the 6th month beginning after the effective date of this
19 paragraph.

20 (b) Using the procedure under section 227.24 of the statutes, the athletic
21 trainers affiliated credentialing board may promulgate as emergency rules the rules
22 required under section 448.9525 (1) (e) of the statutes, as created by this act, for the
23 period before the effective date of the rules submitted under paragraph (a).
24 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
25 promulgated under this paragraph remain in effect until the date on which the rules

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1 submitted under paragraph (a) take effect. Notwithstanding section 227.24 (1) (a)
2 and (3) of the statutes, the athletic trainers affiliated credentialing board is not
3 required to provide evidence that promulgating a rule under this paragraph as an
4 emergency rule is necessary for the preservation of the public peace, health, safety,
5 or welfare and is not required to provide a finding of emergency for a rule
6 promulgated under this paragraph.

7 **SECTION 39. Effective dates; other.** This act takes effect on the first day of
8 the 6th month beginning after publication, except as follows:

9 (1) AUTOMATED EXTERNAL DEFIBRILLATOR TRAINING. SECTIONS ~~37~~ and ~~38~~ of this act
10 take effect on the day after publication.

11 (END)

D-Note

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBs0098/P1ins
TKK:.....

Insert 11-11

SECTION 1. 447.04 (1) (a) 5m. of the statutes is created to read:

447.04 (1) (a) 5m. Submits evidence satisfactory to the examining board that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 2. 447.04 (1) (b) of the statutes is renumbered 447.04 (1) (b) (intro.) and amended to read:

447.04 (1) (b) Except as provided in par. (c), the examining board may grant a license to practice dentistry to an individual who is licensed in good standing to practice dentistry in another state or territory of the United States or in another country if the applicant meets complies with all of the following requirements:

1. Meets the requirements for licensure established by the examining board by rule ~~and upon presentation of.~~

3. Presents the license to the examining board and ~~payment of~~ pays the fee specified under s. 440.05 (2).

History: 1989 a. 349; 1997 a. 96; 2001 a. 16, 109.

SECTION 3. 447.04 (1) (b) 2. of the statutes is created to read:

447.04 (1) (b) 2. Submits evidence satisfactory to the examining board that the person has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction. The examining board shall consult with the department of health and family services to determine whether an

individual, organization, or institution of higher education is qualified to provide instruction under this subdivision.

SECTION 4. 447.04 (1) (c) 1. d. of the statutes is created to read:

447.04 (1) (c) 1. d. Submits evidence satisfactory to the examining board that the person has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education qualified to provide such instruction. The examining board shall consult with the department of health and family services to determine whether an individual, organization, or institution of higher education is qualified to provide instruction under this subdivision.

SECTION 5. 447.04 (2) (a) 5m. of the statutes is created to read:

447.04 (2) (a) 5m. Submits evidence satisfactory to the examining board that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 6. 447.04 (2) (b) of the statutes is renumbered 447.04 (2) (b) (intro.) and amended to read:

447.04 (2) (b) (intro.) The examining board may grant a license to practice dental hygiene to an individual who is licensed in good standing to practice dental hygiene in another state or territory of the United States or in another country if the applicant meets complies with all of the following requirements:

1. Meets the requirements for licensure established by the examining board by rule and upon presentation of.

1 3. Presents the license to the examining board and ~~payment of pays~~ the fee
2 specified under s. 440.05 (2).

History: 1989 a. 349; 1997 a. 96; 2001 a. 16, 109.

3 **SECTION 7.** 447.04 (2) (b) 2. of the statutes is created to read:

4 447.04 (2) (b) 2. Submits evidence satisfactory to the examining board that the
5 person has current proficiency in the use of an automated external defibrillator
6 achieved through instruction provided by an individual, organization, or institution
7 of higher education qualified to provide such instruction. The examining board shall
8 consult with the department of health and family services to determine whether an
9 individual, organization, or institution of higher education is qualified to provide
10 instruction under this subdivision.

11 **SECTION 8.** 447.05 of the statutes is amended to read:

12 **447.05 Expiration and renewal.** Renewal applications shall be submitted
13 to the department on a form provided by the department on or before the applicable
14 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
15 renewal fee specified under s. 440.08 (2) (a). The examining board may not renew
16 a license to practice dentistry unless the applicant for renewal attests that he or she
17 has current proficiency in the use of an automated external defibrillator achieved
18 through instruction provided by an individual, organization, or institution of higher
19 education approved under s. 46.03 (38) to provide such instruction. The examining
20 board may not renew a license to practice dental hygiene unless the applicant for
21 renewal attests that he or she has complied with s. 447.055 and any rules
22 promulgated by the department under s. 447.055 and, that he or she has a current
23 certification in cardiopulmonary resuscitation, and that he or she has current
24 proficiency in the use of an automated external defibrillator achieved through

- 1 instruction provided by an individual, organization, or institution of higher
- 2 education approved under s. 46.03 (38) to provide such instruction.

History: 1989 a. 349; 1991 a. 39; 2005 a. 318.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0098/1dn
RLR:kjf:pg

June 7, 2007

Assembly Bill 262 amends s. 100.178 (5), but this substitute amendment does not. Since DHFS is already required to approve defibrillator instructors under created s. 46.03 (38), it seems unnecessary to also have DHFS write rules specifically for instructors who provide defibrillator training to fitness center employees.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

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Date

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